

U.S. GOVERNMENT TERMS AND CONDITIONS

Applicable to all U.S. Government subcontracts

PART II - FAR CLAUSES

If this Purchase Order bears a Government contract/subcontract order number, then the following U.S. Government clauses shall also be applicable to this procurement.

1. The Federal Acquisition Regulations (FAR) clauses, listed below and in effect on the date of this Purchase Order, are incorporated herein by reference. In the event of a conflict between Part I, General Provisions and Part II, Government Provisions - FAR clauses, the Part II FAR clauses shall govern. Where used in the FAR, the term "Contractor" shall mean "Seller" and the terms "Government" and "Contracting Officer" shall mean "Buyer". This substitution shall not apply to a clause where the accepted meanings of these terms are given in the body of the FAR clause.

2. Federal Acquisition Regulations (FAR) Clauses Incorporated by Reference

| <u>Clause No.</u> | <u>Title</u> | <u>Notes</u> |
|-------------------|---|--------------|
| 52.202-1 | Definitions (JAN 2012) | |
| 52.203-3 | Gratuities (APR 1984) | |
| 52.203-5 | Covenant Against Contingent Fees (APR 1984) | |
| 52.203-6 | Restrictions on Subcontractor Sales to the Government (SEPT 2006) | 1 |
| 52.203-6 | Alternate I (OCT 1995) | 1A |
| 52.203-7 | Anti-Kickback Procedure (OCT 2010) | |
| 52.203-8 | Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (JAN 1997) | |
| 52.203-10 | Price or Fee Adjustment for Illegal or Improper Activity (JAN 1997) | |
| 52.203-12 | Limitation on Payments to Influence Certain Federal Transactions (OCT 2010) | 1 |
| 52.204-1 | Approval of Contract (DEC 1989) | |
| 52.204-2 | Security Requirements (AUG 1996) | |
| 52.204-4 | Printed or Copied Double-Sided on Recycled Paper (MAY 2011) | |
| 52.204-9 | Personal Identity Verification of Contractor Personnel (JAN 2011) | |
| 52.209-5 | Certification Regarding Responsibility Matters (APR 2010) | |
| 52.209-6 | Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (DEC 2010) | |
| 52.211-15 | Defense Priority and Allocation Requirement (APR 2008) | 2 |
| 52.215-2 | Audit and Records – Negotiation (OCT 2010) | 1 |
| 52.215-8 | Order of Precedence – Uniform Contract Format (OCT 1997) | |
| 52.215-10 | Price Reduction for Defective Cost or Pricing Data (AUG 2011) | |
| 52.215-11 | Price Reduction for Defective Cost or Pricing Data – Modifications (AUG 2011) | |
| 52.215-13 | Subcontractor Cost or Pricing Data – Modifications (OCT 2010) | 3A |
| 52.215-14 | Integrity of Unit Prices (OCT 2010) | 1 |
| 52.215-15 | Pension Adjustments and Asset Reversions (OCT 2010) | |
| 52.215-18 | Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) Other Than Pensions (JUL 2005) | |
| 52.215-19 | Notification of Ownership Changes (OCT 1997) | |
| 52.215-20 | Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data (OCT 2010) | |
| 52.215-21 | Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data-Modifications (OCT 2010) | |
| 52.216-7 | Allowable Cost and Payment (JUN 2011) | |
| 52.216-18 | Ordering (OCT 1995) | |
| 52.216-19 | Order Limitations (OCT 1995) | |
| 52.216-22 | Indefinite Quantity (OCT 1995) | |
| 52.217-9 | Option to Extend the Term of the Contract: (MAR 2000) | |
| 52.219-6 | Notice of Total Small Business Set-Aside (NOV 2011) | |
| 52.219-8 | Utilization of Small Business Concerns (JAN 2011) | 1 |
| 52.219-9 | Small Business Subcontracting Plan (JAN 2011) | 3 |

| <u>Clause No.</u> | <u>Title</u> | <u>Notes</u> |
|-------------------|---|--------------|
| 52.219-14 | Limitations on Subcontracting (NOV 2011) | |
| 52.222-1 | Notice to the Government of Labor Disputes (FEB 1997) | |
| 52.222-2 | Payment for Overtime Premiums (JULY 1990) | |
| 52.222-3 | Convict Labor (JUNE 2003) | 4 |
| 52.222-4 | Contract Work Hours and Safety Standards Act – Overtime Compensation (JULY 2005) | |
| 52.222-20 | Walsh-Healy Public Contract Act (OCT 2010) | |
| 52.222-21 | Prohibition of Segregated Facilities (FEB 1999) | 4 |
| 52.222-26 | Equal Opportunity (MAR 2007) | 4 |
| 52.222-35 | Equal Opportunity for Veterans (SEPT 2010) | 1 |
| 52.222-36 | Affirmative Action for Workers with Disabilities (OCT 2010) | 4A |
| 52.222-37 | Employment Reports on Veterans (SEPT 2010) | 4A |
| 52.222-39 | Reserved | |
| 52.222-41 | Service Contract Act of 1965, As Amended (NOV 2007) | 7 |
| 52.222-42 | Statement of Equivalent Rates by Federal Hires (MAY 1989) | |
| 52.222-43 | Fair Labor Standards Act and Service Contract Act – Price Adjustment (Multiple Year and Option Contracts) (Sept 2009) | 8 |
| 52.223-3 | Hazardous Material Identification and Materials Safety Data (JAN 1997) | |
| 52.223-5 | Pollution Prevention and Right-to-Know Information (MAY 2011) | 11 |
| 52.223-6 | Drug-Free Workplace (MAY 2001) | 11 |
| 52.223-10 | Waste Reduction Program (MAY 2011) | |
| 52.223-14 | RESERVED | |
| 52.225-13 | Restrictions on Certain Foreign Purchases (JUNE 2008) | |
| 52.227-1 | Authorization and Consent (DEC 2007) | |
| 52.227-2 | Notice and Assistance Regarding Patent and Copyright Infringement (DEC 2007) | 1 |
| 52.227-11 | Patent Rights – Ownership by the Contractor – (DEC 2007) | |
| 52.227-14 | Rights in Data - General (Alternate I, II, III, IV, or V) (DEC 2007) | |
| 52.227-16 | Additional Data Requirements (JUNE 1987) | |
| 52.227-23 | Rights to Proposal Data (Technical) (JUNE 1987) | |
| 52.228-5 | Insurance – Work on a Government Installation (JAN 1997) | |
| 52.228-7 | Insurance – Liability to Third Persons (MAR 1996) | |
| 52.232-9 | Limitation of Withholding of Payments (APR 1984) | |
| 52.232-17 | Interest (OCT 2010) | |
| 52.232-22 | Limitation on Funds (APR 1984) | |
| 52.232-23 | Assignment of Claims (JAN 1986) | |
| 52.232-25 | Prompt Payment (OCT 2008) | |
| 52.232-34 | Payment by Electronic Funds Transfer – Other than Central Contractor Registration (MAY 1999) | |
| 52.233-1 | Disputes (JUL 2002) -- Alternate I (DEC 1991) | 5 |
| 52.233-3 | Protest after Award (AUG 1996) -- Alternate I (JUNE 1985) | 5 |
| 52.237-2 | Protection of Government Buildings, Equipment and Vegetation (APR 1984) | |
| 52.237-3 | Continuity of Services (JAN 1991) | |
| 52.242-1 | Notice of Intent to Disallow Costs (APR 1984) | |
| 52.242-3 | Penalties for Unallowable Costs (MAY 2001) | |
| 52.242-4 | Certification of Final Indirect Costs (JAN 1997) | |
| 52.242-13 | Bankruptcy (JUL 1995) | |
| 52.243-2 | Changes – Cost Reimbursement Alt. II (APR 1984) | |
| 52.243-3 | Changes – Time-and-Materials or Labor-Hours (SEP 2000) | |
| 52.243-6 | Change Order Accounting (APR 1984) | |
| 52.244-2 | Subcontracts (Cost-Reimbursement and Letter Contracts) Alt. I (JUNE 2007) | |
| 52.244-5 | Competition in Subcontracting (DEC 1996) | |
| 52.244-6 | Subcontracts for Commercial Items (DEC 2010) | |
| 52.246-2 | Inspection of Supplies – Fixed Price (AUG 1996) | |
| 52.246-4 | Inspection of Services – Fixed Price (AUG 1996) | |
| 52.246-6 | Inspection Time-and-Material and Labor-Hour (MAY 2001) | |

| <u>Clause No.</u> | <u>Title</u> | <u>Notes</u> |
|-------------------|---|--------------|
| 52.246-25 | Limitation of Liability – Services (FEB 1997) | |
| 52.247-1 | Commercial Bill of Lading Notations (FEB 2006) | |
| 52.249-6 | Termination (Cost-Reimbursement) (MAY 2004) | |
| 52.249-8 | Default (Fixed Price Supply and Service) (APR 1984) | |
| 52.249-14 | Excusable Delays (APR 1984) | |
| 52.251-1 | Government Supply Sources (APR 2012) | |
| 52.251-2 | Interagency Fleet Management System (IFMS) Vehicles and Related Services (JAN 1991) | |
| 52.252-2 | Clauses Incorporated by Reference (FEB 1998) | |
| 52.252-6 | Authorized Deviations in Clauses (APR 1984) | |

3. National Aeronautics and Space Administration (NASA) Federal Acquisition Regulation Clauses Incorporated by Reference.

| <u>Clause No.</u> | <u>Title</u> | <u>Notes</u> |
|-------------------|--|--------------|
| 1852.204-75 | Security Classification Requirements (SEPT 1989) | |
| 1852.204-76 | Security Requirements for Unclassified Information Technology Resources (JAN 2011) | |
| 1852.215-84 | Ombudsman (NOV 2011) | |
| 1852.216-80 | Task Ordering Procedure (OCT 1996) | |
| 1852.216-89 | Assignment and Release Forms (JULY 1997) | |
| 1852.219.74 | Use of Rural Area Small Businesses (SEPT 1990) | |
| 1852.219-76 | NASA 8 Percent Goal (JULY 1997) | |
| 1852.219-77 | NASA Mentor-Protégé (MAY 2009) | |
| 1852.219-79 | Mentor Requirements and Evaluation (MAR 2009) | |
| 1852.227-72 | Designation of New Technology Representatives and Patent Representatives (JULY 1997) | |
| 1852.227-84 | Patent Rights Clauses (DEC 1989) | |
| 1852.227-86 | Commercial Computer Software – Licensing (DEC 1987) | |
| 1852.237-70 | Emergency Evacuation Procedures (DEC 1988) | |
| 1852-237-72 | Access to Sensitive Information (JUN 2005) | |
| 1852-237-73 | Release of Sensitive Information (JUN 2005) | |
| 1852-243-71 | Shared Savings (MAR 1997) | |
| 1852.245-70 | Contractor Requests for Government-Provided Equipment (JAN 2011) | |

NOTES

1. Applies to purchases over \$150,000.
- 1A. Applies to Commercial Items over \$150,000.
2. Arcata Purchase Orders are rated orders on behalf of NASA.
3. Applies to purchases over \$650,000 which offer subcontracting capabilities.
- 3A. Applies to purchases over \$650,000 which offer subcontracting capabilities.
4. Clause applies to purchases over \$10,000.
- 4A. Clauses applies to purchases over \$15,000.
5. “Contracting Officer” means “Arcata”.
6. Applies to the purchase of supplies that may involve ocean transportation subject to the Cargo Preference Act of 1954.
7. Applies to contracts for services over \$2,500.
8. Applicable to fixed price multiyear service contracts where FAR 52.222-41 is incorporated.
9. Applicable to service contracts where the value exceeds the simplified acquisition threshold.
10. Applies to the foreign portion of international circuit transmission contracts.
11. Applicable for non-commercial items over \$150,000 (simplified acquisition)
12. The Contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.